

Remarks

Claims 1-28 are pending and stand rejected. Claims 1-10, 17-20, 22-23, and 25-28 were rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,453,736 to Noren ("the Noren patent") in view of U.S. Patent No. 4,888,702 to Gerken ("the Gerken patent") and further in view of U.S. Patent No. 5,204,663 to Lee ("the Lee patent"). Claims 11-16 were rejected under 35 U.S.C. 103 over Noren, in view of Gerken and Lee and in further view of U.S. Patent 5,491,471 ("the Stobbe patent"). Claims 22 and 24 were rejected over Noren in view of Gerken and in view of Lee and in further view of U.S. Patent No. 6,002,591 to McCutchan ("the McCutchan patent"). The Applicants respectfully traverse the rejections for the reasons stated below.

Claim 1 was rejected under 35 U.S.C. 103(a) as being obvious over Noren in view of Gerken and further in view of Lee. Noren teaches that parameters can be programmed into the system during the installation process. (Noren patent, col. 3, lines 45-50). These parameters relate to certain system functions and the parameters can be programmed into the system using buttons. (Noren patent, Col. 5, lines 20-67- col. 6., line 26). However, these functions are fully enabled at all times by the system.

In one example, any programmer can set a parameter relating to function "01", the high-speed operating function (See Noren patent, Table in Col. 5). Although this high-speed operating function has been programmed into the system, there is nothing in Noren that suggests that this function (or any other function) can be selectively activated (or deactivated) based upon a user identity or some other criteria.

Gerken teaches a photovoltaic system controller. The controller is used to perform a variety of monitoring and regulating functions. (Gerken patent, col. 7, lines 36-39). As with Noren, parameters (i.e., "setpoints") can be programmed and utilized by system functions. (Gerken patent, col. 7, lines 46-47). However, all functions are available to all users and fully enabled at all times by the system.

Lee teaches a smart card access system that includes smart cards containing stored data. (Lee patent, col. 5, line 54). This data is in the form of access codes that describe only the identity and

other information concerning the user, not any actions that define any kind of system features. (Lee patent, col. 3, line 59- col. 4, line 27).

In contrast, amended claim 1 recites a control system that includes “data for enabling actions performable by [the] control system.” Furthermore, these actions define preprogrammed functions of the control system and the “activation device selectively activat[es] the portions of the data to perform the preprogrammed functions defined by the activation device.” In other words, the Applicants’ system stores a set of preprogrammed features and these features, which are always present, are selectively activated when a code (or other structure) on the activation device matches a code (or other structure) associated with one of the features. See Specification, page 4, line 28- page 5, line 2. None of the above-cited references teach the *selective activation* of preprogrammed features of the system. In fact, all of the references teach the opposite, that is, systems where all features are always fully (not selectively) enabled.

The Applicants’ approach has many advantages over the systems described in the above-mentioned prior art references. For instance, the Applicants’ approach allows some users to pay for certain features, while others can pay for others. The two users would then be assigned different activation devices having different activation codes. In addition, the approaches taught by the Applicants allow for the use of a common system board having features that can be selectively enabled rather than requiring separate and different boards for each installation.

The remaining independent claims 11 and 17 recite language similar to the language of claim 1 and it is believed that they are allowable for the same reasons as those given with respect to claim 1. Claims 9, 10, 16, 27, and 28 have been cancelled. The remaining claims depend directly or indirectly upon claims 1, 11, and 17. Since the independent claims are allowable, it is believed that the dependent claims are also allowable.

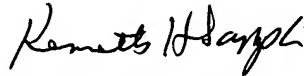
Additionally, in a previous Office Action mailed December 22, 2003, it was stated that an IDS form was required. The Applicants noted in a Response mailed on March 28, 2004 that, apparently, the Examiner believed an IDS had been submitted by the Applicants. However, the Applicants had no record of making an IDS submission and respectfully requested the identification the references believed submitted by the Applicants and the date the submission was made. In the present Office Action and another previous Office action mailed July 16, 2004, the Examiner never responded to the Applicants’ request and the Applicants now respectfully renew their request for clarification.

Application No. 10/027,932
Reply to Office Action dated March 30, 2005

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

Fitch, Even, Tabin & Flannery



Kenneth H. Samples
Registration No. 25,747

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120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603
Telephone: (312) 577-7000
Fax No.: (312) 577-7007